

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHARLES MARTIN, : Case No. 3:08-cv-338
Petitioner, : Judge Timothy S. Black
vs. : Magistrate Judge Sharon L. Ovington
WARDEN, Mansfield Correctional :
Institution, :
Respondent. :
:

**DECISION AND ENTRY OVERRULING PETITIONER'S OBJECTIONS (DOC.
18) AND DECLINING TO AMEND, ALTER OR GRANT RELIEF FROM THE
COURT'S PREVIOUS JUDGMENT ENTRY**

This case is before the Court on Petitioner's Objections to the Report and Recommendations of the Magistrate Judge. (Doc. 18). The Magistrate Judge entered the Report and Recommendations on April 14, 2011, and subsequently granted Petitioner up to and including July 5, 2011 to file objections. The Court's docket reflected no filing of objections on or before July 7, 2011. Accordingly, on July 7, 2011, following the Court's *de novo* review of the issues presented, the Court adopted the Report and Recommendations (Doc. 16) and entered Judgment against Petitioner denying his Petition. (Doc. 17).

On July 11, 2011, the Clerk of Court received and docketed Petitioner's Objections to the Report and Recommendations. (Doc. 18). A declaration at the conclusion of the Objections states that Petitioner deposited his Objections in the prison's internal mailing system on July 5, 2011. Pursuant to the "prisoner's mailbox rule," which deems prisoner

filings “‘filed’ when delivered to the proper prisoner authorities for mailing,” *Lewis v. Correctional Medical Services*, No. 08-cv-13683, 2009 WL 1438260, at *2 (E.D. Mich. May 20, 2009), Petitioner’s Objections were timely filed.

Nevertheless, in adopting the Report and Recommendations of the Magistrate Judge, the Court reviewed the case *de novo*, considered the arguments advanced by Petitioner, the findings of the Magistrate Judge, and concluded that the Report and Recommendation should be adopted in full. In reviewing Petitioner’s Objections, he presents no argument not already advanced, not already addressed by the Magistrate Judge or not fully considered by the Court upon its *de novo* review of the Report and Recommendations.

Accordingly, the Court overrules Petitioner’s Objections and declines to disturb the previously filed Judgment.

IT IS SO ORDERED.

Date: 9/6/11

Timothy S. Black
Timothy S. Black
United States District Judge